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Approved For Release 2002/05/17 : CIA-RDP72-00310R000100330011-9

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OGC 60-0021

OGC Has Reviewed

6 JAN 1960

MEMORANDUM FOR: Assistant to the Director

SUBJECT: Investigation of Crimes Involving Government  
Officers and Employees

1. I am returning the Cabinet Paper - Record of Action of the meeting of Friday, December 18, 1959. That portion relating to investigation of crimes involving Government officers and employees under 5 U.S.C. 311(a) concerns this Agency, but I do not see any requirement for a report to the Secretary to The Cabinet. In case any report should be called for, the situation is as follows:

When this criminal provision was under consideration by the Congress in 1954, we pointed out to the Department of Justice that the requirement for immediate reporting presented certain serious security problems in the field of covert operations. After considerable discussion with the Criminal Division of Justice, we talked to Mr. Rogers, then the Deputy Attorney General, and achieved an understanding that where a violation of Federal law involves confidential matters relating to foreign intelligence activities investigation thereof will be conducted by or at the direction of the Director of Central Intelligence with such subsequent referral or liaison with the Department of Justice as the results of his investigation may indicate. When the bill was coordinated by the Bureau of the Budget for recommendation to the President, we wrote that we would not object to it because of our agreement with the Attorney General, and we sent a copy of this statement to the Attorney General saying that if we had in any way misconstrued his position we would appreciate being informed in this regard. We received no answer to this letter. Therefore, we proposed an Agency notice requiring that any information relating to any crimes involving Agency officers, employees,

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consultants, or agents be reported immediately to the General Counsel with a copy to the Inspector General without waiting for the completion of any investigation. This office is then responsible for coordinating and making recommendations on referral to the Department of Justice. The Director did not wish to make this a regular Agency notice, and on 7 March 1955 he signed a memorandum (copy attached) to the Inspector General, Deputy Director (Plans), Deputy Director (Intelligence), and Deputy Director (Support) setting forth the provisions about reporting and the responsibility of this office and making the heads of major components responsible for insuring that the purposes of that memorandum were carried out.

2. I believe the above-mentioned memorandum complies with the agreement reached at the Cabinet Meeting on December 18th that it is important that each Agency head call the attention of his chief subordinates to the requirements of P. L. 725. The Cabinet Paper also says that he should call the attention of his chief subordinates to the Attorney General's memorandum of November 15, 1952 (copy attached). As I am forwarding copies of my paper with its attachments to the Inspector General and the Deputy Directors, I believe we have complied with this Directive also.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON  
General Counsel

Attachments

cc: DDCI  
IG  
DD/P  
DD/I  
DD/S  
Colonel Crogan  
Director of Security  
General Counsel chrono  
✓ subject-I&H2-Criminal  
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OFFICE OF THE ATTORNEY GENERAL  
WASHINGTON, D. C.

November 13, 1959

MEMORANDUM TO THE HEADS OF ALL DEPARTMENTS AND  
AGENCIES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

To achieve fully the objectives sought by the reporting requirements of Public Law 725, 83d Congress, 2d Session (5 USC 311a), and the responsibilities of this Department detailed in the Act, I feel it appropriate to communicate periodically with all interested Departments and Agencies concerning the provisions of the measure. I invite your attention again to the terms of the Act and the continuing importance of reporting timely all complaints to this Department.

As you know, this statute directs the head of every Department and Agency to report promptly to the Attorney General information, allegations or complaints relating to violations of Title 18, United States Code by officers and employees of the Government unless exempted by the terms of the statute or unless otherwise directed by the Attorney General. While not minimizing other offenses in Title 18, it was urged that special emphasis be placed on those offenses relating to fraud on the Government, misappropriation, robbery or theft of Government property or funds, misfeasance or malfeasance in office and other transgressions of a similar nature.

Being always alert to the responsibilities of this enactment will insure continued prompt investigation and prosecution and thus serve to maintain high standards of integrity in government operations.

s/ William P. Rogers  
Attorney General

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ER 4-6849

7 March 1955

**MEMORANDUM FOR:** Inspector General  
Deputy Director (Plans)  
Deputy Director (Intelligence)  
Deputy Director (Support)

**SUBJECT:** Information or Allegations Concerning Criminal  
Acts on the Part of Agency Personnel

1. The Department of Justice is the arm of the Government charged with the responsibility for investigating and taking action on any information or allegations of any violation of Federal criminal statutes by persons employed by or connected with the Government. I,

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I have established the policy that if the investigation and action on any information or allegation of violation of criminal law arising in connection with Agency operations does not involve a risk of compromise to the security of such operations or of intelligence sources or methods which would outweigh the benefits to be derived from prosecution, this Agency will cooperate with the Department of Justice in line with the latter's responsibility. The Department of Justice, on the other hand, has recognized that where legitimate security considerations would prevent prosecution or other appropriate action, investigation by them might well be in violation of my statutory responsibilities.

2. In order to maintain this satisfactory relationship, it is essential that we give immediate consideration to the question of disclosure to the Department of Justice on the receipt of any allegation or information of any violation of criminal law arising in connection with any matter under the jurisdiction of this Agency. Accordingly, any information, allegation, or complaint relating to any crimes involving Agency officers, employees, consultants, or agents shall be reported immediately upon receipt to the General Counsel with a copy to the Inspector General without waiting for the completion of any investigation. The General Counsel shall be responsible for obtaining concerted Agency action on each such case and for making recommendation to me on Agency action in relation to the Department of Justice.

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3. I do not consider this a matter appropriate for an Agency regulation, but the heads of major components will be responsible for assuring that the purposes of this memorandum are carried out.

s/

**ALLEN W. DULLES**  
Director

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